05-CV-00303-ORD

——— FILED ——— ENTERED
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SA   AUG 1 8 2005

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PATRICIO AHUMADA,

    Petitioner,

    v.

ALBERTO GONZALES, et al.,

    Respondents.

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CASE NO. C05-0303-JCC-MAT

ORDER OF TRANSFER TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT AS A PETITION FOR REVIEW

The Court, having reviewed petitioner's 28 U.S.C. § 2241 petition (Dkt. #1), all papers and exhibits in support and in opposition to that petition, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

(1)   The Court adopts the Report and Recommendation.

(2)   This Court is without jurisdiction to consider petitioner's challenge to his removal order. Accordingly, this action is hereby TRANSFERRED to the United States Court of Appeals for the Ninth Circuit as a Petition For Review pursuant to § 106(c) of the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231.

(3)   Respondents are temporarily enjoined from removing petitioner from the United States pending further order of the United States Court of Appeals for the Ninth Circuit. (Dkt. #9).

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COURT OF APPEALS FOR THE NINTH CIRCUIT AS
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01   (4)   The Clerk is directed to TERMINATE this case and TRANSFER all pleadings and

02   related documents to the Ninth Circuit Court of Appeals.   The Clerk shall,

03   however, retain a copy of the Court's electronic file. The Clerk is further directed

04   to send copies of this Order to all counsel of record, and to Judge Theiler.

05   DATED this 17th day of _____August_____, 2005.

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07   _____

08   JOHN C. COUGHENOUR
     United States District Judge

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